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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Harrington, et al.

Application No.: 09/276,820

Filed: March 26, 1999

For: **COMPOSITIONS AND METHODS  
FOR NON-TARGETED ACTIVATION  
OF ENDOGENOUS GENES**

Group Art Unit: 1632

Examiner: Shukla, R.

Attorney Docket No.: 0221-0003

**BOX DD**  
Commissioner of Patents  
Washington, D.C. 20231

**THIRD SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT**

06/08/2001 MGEBREM1 00000003 500622 09276820

01 FC:126 Sir 180.00 CH

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of document AI2 is submitted herewith. The cite number is based on the last cite number in the Information Disclosure Statement.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available

06/05/2001 MGEBREM1 00000093 500622 9276820

01 FC:126 180.00 CH

Adjustment date: 06/08/2001 MGEBREM1 00000003 500622 9276820  
06/05/2001 MGEBREM1 00000093 500622 180.00 CH  
01 FC:126

to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants also bring to the Examiner's attention co-pending related Application Nos. 09/455,659, 09/479,122, 09/479,123, 09/481,282, 09/481,355, 09/481,375, 09/484,317, 09/484,331, 09/484,743, 09/484,895, 09/484,996, 09/484,997, 09/513,574, 09/513,575, 09/513,997, 09/515,123, 09/729,416 and 09/760,897.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure Statement is being filed in accordance with 37 C.F.R. § 197(c), after a first Office Action on the merits and before a final Office Action or Notice of Allowance. Accordingly, under 37 C.F.R. § 197(c)(2), Applicants submit herewith the fee as set forth in 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. **50-0622**, referencing Attorney Docket No. **0221-0003**.

Respectfully submitted,

SHANKS & HERBERT



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Anne Brown  
Reg. No. 36,463

Date: May 31, 2001

TransPotomac Plaza  
1033 N. Fairfax Street  
Suite 306  
Alexandria, VA 22314-1540  
Phone: (703) 683-3600



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PTO/SB/21 (08-00)

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11/25  
6-13-01  
w/attachments

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number	09/276,820
Filing Date	March 26, 1999
First Named Inventor	Harrington, John J.
Group Art Unit	1632
Examiner Name	Shukla, R.
Attorney Docket Number	0221-0003

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Form PTO-1449 (1 page)</b>  <b>1 - Reference Cited in Form PTO-1449</b>  <b>1 - Return Receipt Postcard</b>
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Anne Brown - Reg. No. 36,463
Signature	<i>Anne Brown</i>
Date	May 31, 2001

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: **05/31/01**

Typed or printed name	Sophia L. Davis		
Signature	<i>Sophia L. Davis</i>	Date	May 31, 2001

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\\$) 180.00</b>
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**Complete if Known**

Application Number	09/276,820
Filing Date	March 26, 1999
First Named Inventor	Harrington, John J.
Examiner Name	Shukla, R.
Group Art Unit	1632
Attorney Docket No.	0221-0003

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METHOD OF PAYMENT				
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:				
Deposit Account Number	50-0622			
Deposit Account Name	SHANKS & HERBERT			
<input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17				
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27				
2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other				
FEE CALCULATION				
1. BASIC FILING FEE				
Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description
101	710	201	355	Utility filing fee
106	320	206	160	Design filing fee
107	490	207	245	Plant filing fee
108	710	208	355	Reissue filing fee
114	150	214	75	Provisional filing fee
SUBTOTAL (1) <b>(\\$)</b>				

2. EXTRA CLAIM FEES				
Total Claims	-20**	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 3**	X	=	
Multiple Dependent		X	=	
Large Entity Small Entity				
Fee Code (\$)	Fee Code (\$)	Fee Description		
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) <b>(\\$)</b>				

\*\*or number previously paid, if greater; For Reissues, see above

Fee Description	Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Paid
Surcharge - late filing fee or oath	105	130	205	65	
Surcharge - late provisional filing fee or cover sheet	127	50	227	25	
Non-English specification	139	130	139	130	
For filing a request for ex parte reexamination	147	2,520	147	2,520	
Requesting publication of SIR prior to Examiner action	112	920*	112	920*	
Requesting publication of SIR after Examiner action	113	1,840*	113	1,840*	
Extension for reply within first month	115	110	215	55	
Extension for reply within second month	116	390	216	195	
Extension for reply within third month	117	890	217	445	
Extension for reply within fourth month	118	1,390	218	695	
Extension for reply within fifth month	128	1,890	228	945	
Notice of Appeal	119	310	219	155	
Filing a brief in support of an appeal	120	310	220	155	
Request for oral hearing	121	270	221	135	
Petition to institute a public use proceeding	138	1,510	138	1,510	
Petition to revive - unavoidable	140	110	240	55	
Petition to revive - unintentional	141	1,240	241	620	
Utility issue fee (or reissue)	142	1,240	242	620	
Design issue fee	143	440	243	220	
Plant issue fee	144	600	244	300	
Petitions to the Commissioner	122	130	122	130	
Processing fee under 37 CFR 1.17(q)	123	50	123	50	
Submission of Information Disclosure Stmt	126	180	126	180	
Recording each patent assignment per property (times number of properties)	581	40	581	40	
Filing a submission after final rejection (37 CFR § 1.129(a))	146	710	246	355	
For each additional invention to be examined (37 CFR § 1.129(b))	149	710	249	355	
Request for Continued Examination (RCE)	179	710	279	355	
Request for expedited examination of a design application	169	900	169	900	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					<b>SUBTOTAL (3) <b>(\\$) 180.00</b></b>

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Ann Brown	Registration No. (Attorney/Agent)	36,463	Telephone (703) 386-6134
Signature	<i>Ann Brown</i>	Date	May 31, 2001	

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